

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

JOHNNY LEE HESSE,

Defendant.

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) No. 4:21CR00583 AGF
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DEFENDANT'S SENTENCING MEMORANDUM

Johnny Lee Hesse is before the court after pleading guilty to one count of possession of child pornography and one count of access with intent to view child pornography. Based on the 18 U.S.C. § 3553(a) factors contained within the presentence investigation report and defendant's sentencing memorandum, we request the court sentence him to the parties' joint recommendation of 120 months.

Mr. Hesse is a 41-year-old man who grew up in St. Louis. Johnny was one of two children born to Gary and Ruth Hesse. At the age of seven, Johnny's parents divorced. This had a huge impact on him. He resided with his father and although he would see his mother often, the divorce caused Johnny to withdraw. He became more introverted and had difficulty interacting socially with other children his age. He continues to be a reserved, introverted man. He maintains a close relationship today with his mother and sister who are supportive of him.

Johnny dropped out of high school in 1996 at the age of 15. He, however, continued his education. He earned his GED in 1999 and went on to earn his associates degree from

St. Louis Community College - Forest Park in graphic communications maintaining a grade point average of 3.24 on a 4.0 scale.

In 2013, Johnny became a convicted felon after pleading guilty to one count of Possession of Child Pornography in cause no. 4:13CR00218-01 AGF. He was sentenced to 57 months in January of 2018 and released on supervised release in April of 2018 for good conduct. After his release, Johnny maintained full time employment working at Sinclair and Rush as a machine operator for the last three years. He had been complying with the conditions of his supervision until March of 2021 when his probation officer, on an anonymous tip, searched his home for electronic devices containing new child pornography images. Johnny complied with his probation officer and admitted to possessing electronic devices he had not previously disclosed to his probation officer. He also admitted these devices would contain child pornography. The instant offense results from the images found in this search.

As this is his second offense, this case calls for a mandatory minimum of 120 months which is the parties joint recommendation. The guideline calculation in this case is 97 to 121 making the parties joint recommendation within the guideline range. The parties are also requesting the supervised release violation time run concurrent with the time he will be sentenced to in the instant offense. The guidelines advise that an incremental punishment is appropriate in cases where a new case is committed while under supervised release. The parties joint recommendation takes this into consideration as this sentence will be twice the amount of time Mr. Hesse received on his previous sentence.

Mr. Hesse realizes the gravity of his conduct. He knows he will be punished for his involvement in this matter. This is an incremental step in punishment for the offense that the parties believe will deter future behavior. While Johnny serves his sentence, he wishes to

continue his training in machine operating and manufacturing to increase job opportunities upon his release. He also will continue to work on his treatment so he can better understand his triggers to avoid future criminal activity. If he does not, Johnny knows his future will be incarceration. He wants a different future and is willing to put in the work to make sure he has a different life.

Johnny Lee Hesse asks this court to sentence him to the joint recommendation of 120 months to be served concurrently with the time the court sentences him to in his supervised release violation in cause no. 4:13CR00217-01 AGF. Such a sentence will provide just punishment, protect the public, provide adequate deterrence, and promote respect for the law.

Respectfully submitted,

/s/ Tara Crane
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Erin Granger, Assistant United States Attorney.

/s/ Tara Crane
TARA CRANE
Assistant Federal Public Defender